



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,060	04/26/2000	John Richard Bergan	156-102	9604

7590 06/05/2002

Donald W Marks
3137 Mount Vernon Avenue
Alexandria, VA 22305

EXAMINER

TO, BAOQUOC N

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/558,060

Applicant(s)

BERGAN, JOHN RICHARD

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-6 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Grimse et al. (US. Patent No. 6,269,355).

Regarding on claim 1 and 4, Grimse teaches a data checking system for determining if necessary files and data have been entered into a computerized management system having a data base containing a plurality of files and data, the system comprising:

an item list defining possible data in the computerized management system (122 categorize, 124 investigate, 126 action plan) [fig. 6];

means for displaying the list (122 categorize, 124 investigate, 126 action plan) [fig. 6] and for enabling the user to select one or more items in the item list as necessary for the management system [selected path, fig. 6];

Art Unit: 2172

means enabling a user to request a check of the selected items [132 lookup, fig. 6]; and

means responsive to a request to check (investigate, fig. 6) the selected items for conducting an inspection [investigate, fig.6] of the management system data base to determine the presence of the selected items and for reporting the results of the conducted inspection [128 report, fig. 6].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grimse et al (US. Patent No. 6,269,355).

Regarding on claim 2 and 6, Grimse does not explicitly teach the item list includes lesson plan information and the inspection conducting means determines the present or absence of lesson plans for a selected period in the management system database. However, Grimse teaches the list include the checking of attendance [col. 10, lines 15-41 and fig. 6]. The attendance is the lesson plan. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the checking of attendance to determines the present or absence of the lesson plan as claimed.

4. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grimse et al (US. Patent No. 6,269,355) in view of Doak et al. (US. Patent No. 5,864,869).

Regarding on claim 3 and 5, Grimse does not teach the item list includes child developmental areas and the inspection conducting means determines the presence or absence of

Art Unit: 2172

child accomplishment in the selected developmental areas. However, Doak teaches "allow the user or teacher to publish: seating chart; grading schemes; teacher and parent correspondence and progress report; class syllabi; evaluation(s). [col. 5, lines 31-35]. This teaches that the user can report to the school system the student accomplishment by grading or evaluation. It also allows other user to check the student progress. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include the teaching of Doak into Grimse because by reporting the student grade and the evaluation to the school system in Doak will allow the other user to check the student progress.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail baoquoc.to@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:


- (703) 746-7238 [After Final Communication]

Art Unit: 2172

- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Baoquoc N. To

May 23, 2002